



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable D. Kent King  
Commissioner of Education  
Missouri Department of Elementary & Secondary Education  
205 Jefferson Street, 6<sup>th</sup> Floor  
Jefferson City, MO 65102

MAR - 2 2006

Dear Commissioner King:

Thank you for your timely submission of Missouri's State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State educational agency's (SEA's) website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our November 14, 2005 letter that responded to your State's Federal fiscal year (FFY) 2003 APR, that also may require additional reporting.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the

reporting on LEA performance, at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Angela McCaskill at 202-245-7435.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy R. Justesen".

Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosures

Table A

Table B

cc: Melodie Friedebach  
State Director of Special Education

Missouri

Table A Chart – Part B

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 1:</b></p> <p>Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>The State did not, as required by the instructions for indicator 1 in the SPP, provide a narrative describing the conditions that youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma (with an explanation of why they are different).</p> <p>According to the information on page 7 of the SPP, the State did not include Department of Correction (DOC) and Division of Youth Services (DYS) students in the baseline data for this indicator. Data for these students should be included, as dropouts, as part of the denominator for indicator 1.</p>	<p>The State must include a narrative describing the conditions that youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma (with an explanation of why they are different) in the FFY 2005 APR, due February 1, 2007. Additionally, the State must include, in the FFY 2005 APR, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include the narrative information and these data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 2:</b></p> <p>Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>The State did not, as required by the instructions for indicator 2 in the SPP, provide a narrative describing what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs (with an explanation of why they are different).</p> <p>According to the information on page 7 of the SPP, it appears the State did not include DOC and DYS students in the baseline data for this indicator. Data for these students should be included in the drop-out category for purposes of baseline data and setting of future targets.</p>	<p>The State must include a narrative describing what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs (with an explanation of why they are different) in the FFY 2005 APR, due February 1, 2007. Additionally, the State must include, in the FFY 2005 APR, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include the narrative information and these data may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

SPP Indicator	Issue	Required Action
<p><b>Indicator 3:</b> Participation and performance of children with disabilities on statewide assessments:</p> <ul style="list-style-type: none"> <li>A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.</li> <li>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</li> <li>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</li> </ul> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>The State provided baseline data for indicator 3 in the SPP, but indicated, on page 11, that, "OSEP requires all States to report baseline data for 2004-05. Missouri is including these data to satisfy the requirements; however, these data will not correspond to the revised AYP goals that will be set in conjunction with the setting of standards for the new grade level assessments being implemented in 2006. "</p>	<p>The State must include, in the FFY 2005 APR, due February 1, 2007, both accurate baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include these data may affect OSEP's determination in 2007 on the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 7:</b> Percent of preschool children with IEPs who demonstrate improved:</p> <ul style="list-style-type: none"> <li>A. Positive social-emotional skills (including social relationships);</li> <li>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</li> <li>C. Use of appropriate behaviors to meet their needs.</li> </ul> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>OSEP could not determine if the State plans to use sampling in collecting data for this indicator. If so, it is important that the State have a technically sound sampling plan to ensure that data used for entry, baseline or to report progress, are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>If the State intends to collect information through sampling, the SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base your targets and improvement activities. The State must submit the revised sampling methodology that describes how data were collected, with its FFY 2005 APR, due February 1, 2007. If the State decides not to sample, but rather gather census data, please inform OSEP and revise the SPP accordingly.</p>
<p><b>Indicator 12:</b> Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p><b>Noncompliance:</b> The State reported a 93.3 % level of compliance for indicator 12 in the SPP, specifically the requirement at 34 CFR §300.121(c)(1). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

SPP Indicator	Issue	Required Action
<p><b>Indicator 14:</b></p> <p>Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>In a letter dated August 26, 2005, the State requested flexibility in measuring and reporting on this indicator. Specifically, the State requested to use the existing post-school data collection to respond to, and report on, SPP indicator 14 in order to obtain follow-up data both for State-level analysis and in order to not increase the burden of collection and reporting at the district level. The State presented two options to explore: (1) modify the graduate follow-up collection to include dropouts; or (2) utilize information gained through State-mandated reporting for all dropouts (with and without disabilities) to a Dropout Hotline when follow-up contacts are made to each dropout.</p> <p>States' post-school outcomes data collection must include the following: (1) data on all exiters, including dropouts; (2) data that will allow the State to report annually to the Department and the public on the State's performance; and (3) data that will allow the State to report annually to the public on the performance of each LEA on the indicator.</p> <p>OSEP has determined that the State's proposed post-school outcome data collection is consistent with (2) and (3) of the above.</p>	<p>The State must revise its collection system to ensure that it collects data on all exiters, <u>including dropouts</u>, and that item (1) in the previous column is fully met in its post-school outcome data collection and reporting for the SPP. In addition, the State must ensure that "competitively employed" and "enrolled in some type of postsecondary school" are operationally defined when it collects and reports baseline data and sets targets for the FFY 2006 APR, due February 1, 2008. This is critical in ensuring that consistent data are collected from year to year.</p>
<p><b>Indicator 20:</b></p> <p>State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>The State provided baseline regarding the <u>timeliness</u> of its data submissions. Further, the State indicated that it "strives to report data in an accurate manner," and that accuracy is "assured through a variety of verification procedures described on pages 48 and 49 of the SPP." The State did not, however, include information regarding the extent to which data it submits are <u>accurate</u>.</p>	<p>The State must include, in the FFY 2005 APR, due February 1, 2007, progress data from FFY 2005 (July 1, 2005 through June 30, 2006) for both timeliness and accuracy. Failure to include these data may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

Missouri

Table B Chart – Part B

Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 3A:</b>  <b>34 CFR §§300.138, 300.139, 300.347(a)(5).</b>  The Special Conditions attached to the State's FFY 2005 Part B grant award and OSEP's November 2005 response to the State's FFY 2003 APR, required the State to submit, by February 17, 2006, a final report demonstrating full compliance with the requirements of 34 CFR §§300.138 and 300.347(a)(5), as they relate to ensuring that all children with disabilities who take the alternate to the statewide assessment participate in all of the same areas of assessment as children who take the State's general assessment.</p>	<p>On page 4 of its February 15, 2006 Progress Report, the Missouri Department of Elementary and Secondary Education (DESE) described the procedures it is implementing to ensure that all children with disabilities participate in the Spring 2006 Missouri Assessment Program-Alternate (MAP-A). On page 2 of the Progress Report, DESE provided the numbers of children that were enrolled in the MAP-A for Communication Arts and Mathematics.</p> <p>DESE reported that, since implementing revised monitoring procedures, it reviewed self-assessments from 117 LEAs during 2005-2006 and will conduct 28 on-site visits during the school year. The State further reported that, as of February 15, 2006, two LEAs had findings of noncompliance in the area of children with disabilities participating in MAP-A, and neither of these districts had corrected the noncompliance.</p>	<p>In its February 2006 Progress Report, the State showed that: (1) it provided guidance to LEAs regarding assessing children with disabilities who participate in alternate assessments in the same areas as children participating in the State's general assessment; (2) it is monitoring to ensure compliance; (3) two of the 117 LEAs submitting self-assessments identified noncompliance in this area; and (4) those two LEAs had not corrected the noncompliance. The State also included its procedures for correcting the identified noncompliance. While this level of compliance (98%) is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>With its FFY 2005 APR, due February 1, 2007, the State must submit documentation that it ensured full compliance with this requirement.</p>
<p><b>Indicator 3A:</b>  <b>34 CFR §§300.138, 300.139, 300.347(a)(5).</b>  The Special Conditions attached to the State's FFY 2005 Part B grant award and OSEP's November 2005 response to the State's FFY 2003 APR, required the State to submit, by February 17, 2006, a final report demonstrating full compliance with the requirements of 34 CFR §§300.138, 300.139, 300.347(a)(5), as they relate to districtwide assessments.</p>	<p>On page 4 of its February 15, 2006 Progress Report, DESE reported that it requires districts to list all districtwide assessments that occur at each grade level, as part of their self-assessments. Districts must report the number of children whose IEP teams have determined that the districtwide assessment is inappropriate, and indicate the alternate assessment being used to assess those students.</p> <p>DESE reported that, since implementing revised monitoring procedures, it reviewed self-assessments from 117 LEAs during 2005-2006 and will conduct 28 on-site visits during the school year. The State further reported that, as of February 15, 2006, five LEAs had findings of noncompliance in the area of participation of children</p>	<p>In its February 2006 Progress Report, the State showed that: (1) it provided guidance to LEAs regarding participation of children with disabilities in districtwide assessments; (2) it is monitoring to ensure compliance; (3) noncompliance in this area was identified in five of 117 (4%) districts submitting self-assessments; and (4) those five districts had not corrected the noncompliance. The State also included its procedures for correcting the identified noncompliance. While this level of compliance (96%) is below 100% and requires continued implementation of</p>	<p>With its FFY 2005 APR, due February 1, 2007, the State must submit documentation that it ensured full compliance with this requirement.</p>

Issue	State Submission	OSEP Analysis	Required Action
	with disabilities in districtwide assessments and that, to date, none of the districts corrected the noncompliance.	improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.	
<p><b>Indicator 15</b>  <b>34 CFR §300.600</b>  OSEP's November 14, 2005 response to the State's June 2005 Progress Report and FFY 2003 APR, required the State to report, with the SPP or within 60 days of the date of OSEP's letter, on the status of the corrective action plans for the four districts in noncompliance with respect to the provision of services to youth with disabilities incarcerated in local city/county jails.</p>	<p>On page 42 of the SPP, DESE reported that three of four districts provided sufficient documentation of adequate procedures to identify and offer services to students with disabilities under their jurisdiction that are incarcerated in local city/county jails. DESE further reported that the remaining district continued to be noncompliant in this area, and that the State declared the district unaccredited and took over operation of the district. The State further reported that representatives of all divisions of DESE, including special education, were assigned to this district to ensure that all State and Federal standards and regulations are being met. In addition, DESE reported that the special education compliance consultant is working with the district to identify and develop a plan for correction of any noncompliance, including identification and provision of services to incarcerated youth.</p>	<p>The State provided the required information regarding the four districts. OSEP understands the statement in the SPP that "three of the districts have provided sufficient documentation that they have adequate procedures in place to identify and offer the provision of services to students with disabilities under their jurisdiction incarcerated in local city/county jails" to mean that those three districts are now compliant and that they have adequate procedures in place to remain compliant. The State further reported on the steps that it is taking to ensure compliance in the fourth district.</p>	<p>With its FFY 2005 APR, due February 1, 2007, the State must provide data showing correction of the noncompliance in the remaining district.</p>
<p><b>Indicator 15</b>  <b>34 CFR §300.600</b>  OSEP's 2004 verification letter reported that the State was not ensuring the timely correction of noncompliance. OSEP's November 14, 2005 response to the State's FFY 2003 APR, required the State to report, with the SPP or within 60 days of the date of that letter, on the extent to which it ensured that public agencies corrected noncompliance identified in 2003-2004 within one year from identification. OSEP further stated that it would review the data in the SPP, and determine whether the State needed to submit additional data by February 17, 2006.</p>	<p>On pages 39-41 of the SPP, the State provided data showing that, in its monitoring of 107 agencies during the 2003-2004 school year, it: (1) made 364 findings related to SPP monitoring priorities, and ensured the correction of 297 (81.6%) within one year from identification; and (2) made 337 findings in other monitoring areas, and ensured the correction of 201 (59.6%) within one year from identification. The State further reported that it conducted follow-up reviews for all of the agencies with outstanding noncompliance after one year. In addition, all agencies have been assigned to a special education regional compliance consultant and will have received a contact by January 15, 2006, to assist in the correction of noncompliance. Follow-up reviews are scheduled to be completed by June 30, 2006. All agencies have been advised that should they be unwilling or unable to correct outstanding areas of noncompliance by the date indicated, DESE may initiate proceedings to invoke sanctions, including the withholding of State and/or Federal funds.</p>	<p>The State provided data demonstrating that, while the State is working closely with districts with persistent noncompliance, there is continuing noncompliance by the State, with the requirements regarding timely correction of noncompliance, at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3). The levels of compliance reported were as follows:  15A: 81.6%  15B: 59.6%</p>	<p>The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 15</b>  <b>34 CFR §§300.600 and 300.661(b)(2)</b>  OSEP's November 14, 2005 letter required the State, with the SPP or within 60 days of the date of that letter, to continue to report progress toward ensuring that corrective actions resulting from complaint investigations are completed in a timely manner, and to provide documentation of compliance by 30 days following one year from the date of that letter.</p>	<p>The State included data on page 40 of the SPP that showed all 118 findings that it made through other mechanisms (complaints, due process hearings, mediations, etc.) in 2003-2004 were corrected within one year from identification.</p>	<p>The State reported data showing full correction of the previously identified noncompliance with the requirement at 34 CFR §§300.600 and 300.661(b)(2), regarding the timely correction of noncompliance identified through the resolution of complaints. OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data for indicator 15C in the APR, due February 1, 2007, demonstrating continued compliance with this requirement.</p>
<p><b>Indicator 15</b>  <b>34 CFR §300.600 and 20 U.S.C. 1232d(b)(3)</b>  OSEP's November 14, 2005 letter directed the State, with the SPP, or within 60 days of the date of that letter, to provide data and analysis showing that it ensured correction of noncompliance regarding parent involvement, or describe the sanctions imposed.</p>	<p>With an e-mail message dated December 29, 2005, the State provided documentation that all districts corrected the noncompliance in this area.</p>	<p>The State reported data showing that all districts in which the State identified noncompliance related to parent involvement had corrected the noncompliance. OSEP appreciates the State's efforts in ensuring such correction.</p>	<p>No further action required.</p>